

App. No. 10/800,056
Amendment Dated: January 19, 2007
Reply to Office Action of October 19, 2006

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REMARKS/ARGUMENTS

The Office Action mailed October 19, 2006 has been received and the Examiner's comments carefully reviewed. Claims 1 and 3-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkett et al. (U.S. Patent No. 6,635,089) (hereinafter "Burkett") and further in view of Pik et al. (U.S. Publication No. 2004/0230906) (hereinafter "Pik"). Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burkett and Pik, and further in view of Boehme et al. (U.S. Patent No. 6,578,192) (hereinafter "Boehme"). Claims 1, 11, and 20 have been amended. No new matter has been added.

Claim Rejections

Claims 1 and 3-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkett in view of Pik. The Applicants respectfully disagree and present the following.

The Office Action grouped Independent Claim 11 with the arguments made with regard to Independent Claims 1 and 20 even though Independent Claim 11 has different recitations as compared to Independent Claims 1 and 20. For example, Independent Claim 11 was previously amended to include the recitation "wherein generating the tree structure includes removing any templates that were previously grafted to the tree." The Applicants can not find where this limitation has been addressed. As such, the Applicants respectfully request the finality of the rejection be withdrawn and this recitation be addressed. The Applicants submit that none of the cited references disclose removing any templates that were previously grafted to the tree." The Applicants' specification on page 11, lines 16-20 teaches that "At block 502, any previous clone

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templates that were grafted to the tree are removed from the tree. Removing the previously grafted clone templates from the tree allows the data binding process to commence with a tree where data binding has not yet occurred to avoid errors in the process. Once these previously cloned templates are removed, processing continues at block 504." Neither Burkett nor Pik, alone or in combination, teach or suggest this recitation. As such, the Applicants submit that Independent Claim 11 is allowable as presented. As claims 12-19 depend from valid base claim 11, these claims are also proposed to be allowable.

In order to expedite the prosecution of this matter, the Applicants have included the limitation previously included within Claim 11 within Independent Claims 1 and 20. As such, the Applicants submit that Independent Claim 1 and 11 as amended are allowable. As claims 1-10 and claims 21-25 depend from valid base claims, these claims are also proposed to be allowable.

Further, the Office Action argues that with regard to Claims 1, 11 and 20 "Burkett does not explicitly disclose cloning the reference template ... inserting the data into the cloned reference template and grafting the cloned reference template into the tree structure after the data has been inserted into the cloned reference template" but that these recitations are inherently disclosed by Burkett. The Office Action states that "[s]ince Burkett discloses substitute one portion of the tree with different data ... the step of cloning a portion of the tree structure should be inherent in the above substitute step." Inherent is defined by dictionary.com as "existing in someone or something as a permanent and inseparable element, quality, or attribute." By substituting one portion of the tree with returned content, it does not necessarily follow that a

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portion of the tree is cloned. Substituting is defined by dictionary.com as "to put (a person or thing) in place of another." Cloning is defined by dictionary.com as "to produce a copy of or imitation of" which is supported by the Applicant's specification on page 11, lines 21-24.

Cloning is not the same as substituting. The Applicants submit that the substitution of data within a node does not make it inherent to clone a portion of the tree. On page 11, lines 21-24, the Applicants' specification states that "At block 504, the relevant ReferenceTemplate template is copied or "cloned". Cloning the template allows the original template to be available for subsequent iterations of the data binding process. After the template is cloned, processing continues at block 506." If data is substituted into a node, it does not mean that it is inherent that the "original template" would be available for subsequent iterations of the data binding process. The Independent Claims of the present invention include recitations showing that after the reference template is cloned it is used again. Claim 1 recites in part "grafting the cloned reference template into the tree structure." Claims 11 and 20 include similar recitations. The teachings of Burkett would not allow this to occur as the data had been substituted into the tree and not cloned. The Applicants respectfully submit that the substitution of data within a tree does not make it inherent to clone a portion of the tree.

Conclusion


In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application,

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the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

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